

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 40 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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RAZIA SULTAN ZAHIDKHAN PATHAN

Versus

ZAHIDKHAN RAMZANKHAN PATHAN  
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Appearance:

MR MM TIRMIZI for Petitioners

MR KT DAVE APP for Respondent No. 2  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/06/1999

ORAL JUDGEMENT

#. Having heard the learned counsel for the petitioners and perusing the order of the learned Addl. City Sessions Judge, Court No.10, Ahmedabad, I am satisfied that this Special Criminal Application deserves to be allowed.

#. The learned Addl. Sessions City Sessions Judge has

accepted the income of the respondent No.1 to be Rs.5,000/= as what it is clearly borne out from the reasoning given by the learned revisional Court in paragraph-3 of its judgment. Once this income has been accepted, I fail to see how the Court is justified to award only Rs.300/= p.m. to the applicant No.1 and Rs.200/= p.m. to each of the applicants No.2 to 4. If we go by this number of member of family and the income of respondent No.1, the maximum amount of maintenance awardable under Section 125 of the Criminal Procedure Code should have been awarded to each claimant.

#. In the result, this Special Criminal Application is allowed and the respondent No.1 is directed to pay Rs.500/= p.m. to each of the petitioners No.1 to 4 towards maintenance from the date of application filed by them for the same. Rule made absolute in aforesaid terms. No order as to costs.

(S.K.Keshote, J.)

[sunil]